

FISCAL NOTE

Bill #: HB0255

Title: DUI surcharge for education, equipment, and enforcement

Primary Sponsor: Cohenour, J

Status: As Introduced

| | | | |
|-------------------|------|---------------------------------|------|
| Sponsor signature | Date | Chuck Swysgood, Budget Director | Date |
|-------------------|------|---------------------------------|------|

Fiscal Summary

| | <u>FY 2004 Difference</u> | <u>FY 2005 Difference</u> |
|--|--------------------------------------|--------------------------------------|
| Expenditures: | | |
| State Special Revenue | \$227,300 | \$227,300 |
| Revenue: | | |
| State Special Revenue | \$227,300 | \$227,300 |
| Net Impact on General Fund Balance: | \$0 | \$0 |

- | | |
|---|--|
| <input checked="" type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Highway Patrol

1. The Montana Highway Patrol issued 2,393 citations in FY 2001 for DUIs. Of these, approximately 95 percent or 2,273 were convicted. It is assumed this number will continue for purposes of this bill.
2. HB 255 creates a new fine of \$100 for each person convicted in addition to all other fees, fines and costs.
3. A total of \$227,300 will be deposited into a state special revenue account. (2,273 x \$100 = \$227,300)
4. The Department of Justice will need state special revenue appropriation authority to spend the funds received under the conditions of this bill for education and training.

Motor Vehicle Division

5. The courts will collect the \$100 fine.
6. Statewide, a total of 5,825 driver control actions were taken by the Department of Justice, Motor Vehicle Division, in FY 2002 for convictions of driving under the influence or alcohol or drugs or of driving with an illegal alcohol or drug content in the person's body.
7. Assuming the \$100 charge imposed by HB 255 were assessed by the courts for each of those convictions, \$582,500 would have been collected and distributed to the appropriate arresting law enforcement agency, either state or local government. Information to estimate the distribution of the fees by the courts to either

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(continued)

state or local government is unavailable. The Department of Justice can only estimate revenue related to the Highway Patrol citations.

8. Also unknown are the number of waivers authorized by the courts that would reduce the potential revenues from the \$100 charge as provided by this bill.

FISCAL IMPACT:

| Department of Justice Montana Highway Patrol | FY 2004 <u>Difference</u> | FY 2005 <u>Difference</u> |
|--|--------------------------------------|--------------------------------------|
| <u>Expenditures:</u> | | |
| Operating Expenses | \$227,300 | \$227,300 |
| <u>Funding:</u> | | |
| State Special Revenue (02) | \$227,300 | \$227,300 |
| <u>Revenues:</u> | | |
| State Special Revenue (02) | \$227,300 | \$227,300 |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> | | |
| State Special Revenue (02) | \$0 | \$0 |

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local government budgets for education, equipment, training, and enforcement for alcohol and drug related offenses could be significantly aided.

LONG-RANGE IMPACTS:

There will be improved resources for law enforcement agencies.

TECHNICAL NOTES:

1. The DUI surcharge is to be codified in Title 61, Chapter 8, part 7, MCA, and the funds are to be used primarily for education and training. Since there is no dedicated state special revenue account for the receipt of penalties that would be subject to appropriation by the Legislature, it appears that another section creating a new state special revenue account needs to be added to this bill. Based on the wording of that new section, a revised fiscal note would then include a Dedicated Revenue Form as required.